



THOMPSON & SKRABANEK, PLLC

NEW YORK

42 W. 38TH STREET, SUITE 1002, NEW YORK, NY 10018 | (646) 568-4280 | CONTACT@TS-FIRM.COM

August 1, 2022

Via ECF

Hon. Diane Gujarati
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Gao v. Yu et al.
Civil Action No. 1:21-cv-06308-DG-MMH

Dear Judge Gujarati:

Our firm represents Defendants Emily Yu (“Ms. Yu”) and Windsor Sullivan Property Inc. (“WSP”) in the above-referenced case. We write to renew our request for leave to move for dismissal of the Plaintiff’s First Amended Complaint (“FAC”, ECF No. 18) under Fed. R. Civ. P. 12(b)(6) and (b)(7).

This request was previously made on December 30, 2021. ECF No. 28. The original Letter Motion is attached hereto as Exhibit A and details the grounds upon which Defendants plan to seek dismissal. Thereafter on January 25, 2022, the Court requested that Plaintiff advise the Court if she would seek leave to amend based on any of the alleged pleading defects or if Plaintiff preferred to proceed with briefing. ECF No. 30. On January 31, 2022, Plaintiff advised the Court that she “declines the opportunity amend the complaint in this matter at this time, and prefers to proceed to briefing on the contemplated motion to dismiss.” ECF No. 33.

A premotion conference was held on March 7, 2022. At that conference the parties agreed to adjourn proceedings to engage in mediation. ECF No. 34. Although mediation was orderly and productive, the parties were unable to reach a settlement. By subsequent docket order on July 15, 2022, the Court admonished the parties that “Any request for a pre-motion conference shall be filed by August 1, 2022.” ECF No. 36.

Accordingly, Defendants now write to renew their request for leave to file a motion to dismiss and to request a briefing schedule. Defendants have conferred with Plaintiff's counsel and the parties have agreed to the following proposed schedule:

- Defendants' Moving Papers due on or before August 19, 2022;
- Plaintiff's Opposition due on or before September 5, 2022;
- Defendants' Reply due on or before September 19, 2022.

Defendants respectfully request that the Court approve this schedule or provide an alternative schedule as it deems necessary. If the Court prefers to hold another pre-motion conference before setting a briefing schedule, the parties propose that this be held contemporaneously with the Initial Conference currently set for August 25, 2022 at 10:00 a.m.

Respectfully submitted,



John J. Thompson, Esq.
THOMPSON & SKRABANEK, PLLC
42 W. 38th Street, Suite 1002,
New York, NY 10018
T: (646) 568-4280 ext. 701
M: (206) 920-3018
jt@ts-firm.com

cc: Paul A. Gilmer, Esq.